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SUMMARY RECORD OF THE 186th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 January 1995, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Philippines (continued) (CRC/C/3/Add.23; CRC/C.7/WP.3)

1. The CHAIRPERSON invited the Committee to take up the sections of the list of issues (CRC/C.7/WP.3) entitled "General principles" and "Civil rights and freedoms", which read:

"General principles

(Arts. 2, 3, 6 and 12)

12. Information in paragraph 43 of the report indicates the difficulties involved in realizing the implementation of article 2 of the Convention. In this regard please provide details of any measures, other than those of a legislative nature, undertaken to eliminate and prevent discriminatory attitudes and prejudices against the girl child, children born out of wedlock, disabled children, and indigenous and minority children.

Civil rights and freedoms

(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

13. Information in paragraph 62 of the report indicates that only about 70 per cent of total births are registered officially. Please explain the effect, if any, on the enjoyment of the rights of the child for the children that remain officially unregistered.

14. Are any measures envisaged to remove the requirement of entering information on the civil status of parents from a child's birth certificate? (See para. 56 of the report.)

15. Please provide information on the progress achieved with regard to the measures being taken to improve birth registration particularly by members of cultural communities. (See para. 61 of the report.)

16. Is corporal punishment allowed in schools or other institutions for children? What specific legal provisions exist to protect children from being ill-treated? Are there complaint procedures which can be used by children themselves against such violations?"

2. Mrs. C.A. DE LEON (Philippines) said that, with regard to issue No. 12, there was certainly a continuing need in the Philippines to change social conditions to prevent discrimination against children. The social welfare sector had undertaken information and education programmes on gender legislation and had introduced policies, programmes and services for girls, disabled children, children in cultural communities, and children born out of wedlock. A special effort was being made to encourage such children to participate in school activities, and some activities had been adapted for disabled children. The innovative teaching strategies were designed to

promote greater camaraderie among all schoolchildren. The aim was to enable all children to contribute to their own well-being and to that of the family and the community.

3. Mrs. PEFIANCO (Philippines) said that the Philippines had roughly equal numbers of boy and girl students and that gender sensitive issues were incorporated in the school curriculum, in particular to avoid gender stereotyping. The aim was to mainstream children with special needs. An inventory had been undertaken to determine the location and the actual needs of such children. The issue would then be addressed in schools on the basis of the inventory.

4. Mrs. C.A. DE LEON (Philippines), referring to issue No. 13, said that the right to a name was not affected if the child's birth was not entered in the civil register, but children lacking a birth certificate might experience difficulties in exercising their rights in later life. For example, a child needed a birth certificate when starting school or contracting marriage. Progress had been made, and the level of entry of live births had now reached 85 per cent.

5. With regard to issue No. 14, the Philippine authorities had no intention at present of excluding from the birth certificate information on the status of the child's parents. Such information was a legal necessity because it was used as the basis for determining the civil status of the child. Legitimate and illegitimate children did not have the same rights under the Family Code.

6. A number of steps had been taken to improve birth registration in cultural communities (issue No. 15). Administrative Order No. 2 in the 1993 series established a civil registration system for Muslim Filipinos. Registrars had already received training to help them comply with the Order, and the relevant forms had been distributed. Presidential Proclamation No. 326 of 1994 provided for free registration of births, deaths, marriages and foundlings, and local authorities were being encouraged to eliminate registration fees. Free registration provided an incentive for all people, but especially those in the rural areas, to register vital events. Information about free registration had been circulated by the local offices of the Office of the Civil Registrar General and by local registrars, particularly among ethnic cultural communities.

7. As to issue No. 16, corporal punishment was banned in schools and other children's institutions. The Child and Youth Welfare Code specified that criminal liability attached to any parent inflicting cruel or unusual punishment on a child, and the Special Protection Act similarly specified that criminal liability attached to any person committing acts of neglect, abuse or exploitation of children or any other acts prejudicial to a child's development. The Revised Penal Code defined the different levels of physical injury and prescribed the relevant penalties.

8. There were also procedures which could be used by children themselves. The Special Protection Act, for example, provided a complaints procedure for children, who were encouraged to report any abuse. The Bureau of Public Schools service manual prohibited the use of corporal punishment by teachers or the imposition of other cruel or unusual punishment. The Department of

Social Welfare and Development enforced the law strictly in children's institutions, and support of the relevant policies was a criterion for the accreditation of non-governmental organizations (NGOs).

9. Mrs. PEFIANCO (Philippines) said that there had recently been two specific cases of application of the Act. In the first, a school principal had been dismissed for injuring a child. In the second, which was still under investigation, a teacher was accused of pinching the nipple of a girl student.

10. Mgr. BAMBAREN GASTELUMENDI said that he would welcome further information about the action taken by the authorities to improve the level of civil registration of live births and about what they were doing to monitor compliance with the regulations by the local authorities.

11. Mr. KOLOSOV said it was apparent that the provisions of article 2, paragraph 2, of the Convention were not being fully implemented. What was being done to improve that situation and was there any procedure for schoolchildren to complain about cruel treatment by their fellows?

12. Mrs. BELEMBAOGO said it appeared that the murder of children was still fairly commonplace in the Philippines. She would like to know what the Government was doing, especially through national institutions, to improve the situation. It was her impression that children victims of abuse did not always take advantage of the available recourse procedures and were, in fact, usually expected to provide their own defence against abuse.

13. Mrs. SANTOS PAIS said that she would welcome more information about the application of the basic principle of non-discrimination. In particular, what was being done to eliminate the large number of disparities that still remained in the Philippines and what was the Government doing to determine how marginalized children could be helped to exercise their fundamental rights? The admission that legitimate and illegitimate children were treated differently was surprising. It was unacceptable that children should suffer because their parents were not married. Again, the requirement that the religion of the parents should be entered on the birth certificate could well pave the way to discrimination, for example against Muslim children. Freedom of religion and the right of parents to privacy might also be affected by the requirement.

14. The Child and Youth Welfare Code defined the responsibilities of children as well as their rights (CRC/C/3/Add.23, para. 8). What was being done in practice to implement the Code in that respect? The Family Code, promoted respect for the views of the child and included a provision that children over seven years old must be consulted in the event of legal separation of the parents. It must be remembered in that connection that a child who was forced to express an uninformed wish in such a situation might be acting against his or her best interests. She welcomed the information about the criminal liability of parents or other persons who seriously abused children but thought that more attention should be given to less serious instances of ill-treatment.

15. The CHAIRPERSON, speaking as a member of the Committee, said she would like more information about the composition, authority and funding of the

barangay councils. Could their funds be used, for example, to help bring about changes in social attitudes and improve the implementation of legislation for the protection of children? With regard to issue 12, was there any possibility of outlawing the concept of illegitimacy in order to prevent discrimination against children born out of wedlock? As to the custody of the children of divorced parents, she would like details on how such children were cared for if the parents did not fulfil their responsibilities. Furthermore, the law stipulated that only the mother of an illegitimate child should sign the birth certificate. What happened if the father wanted to be registered as such?

16. It would also be interesting to learn about the legal implications of the provision in the Child and Youth Welfare Code that working children should have the same freedom as adults to join collective bargaining unions, which was an especially important issue as the labour force contained many children aged 12 to 16.

17. Mrs. Y.L. DE LEON (Philippines), responding to the question by Mgr. Bambaren Gastelumendi, said that a time-frame for implementation of the 1994 Proclamation on free civil registration should be set within a year. Implementation of the new legislation by local authorities would be closely monitored. The barangays were the smallest units of local government in the Philippines. Each barangay council consisted of a chairman and seven members elected by the people. They were responsible for applying all legislation relevant to the local community, including the provision of services for children. They received internal revenue allotments, but their funds were insufficient to cover all the costs of the desirable level of social development. Action was being taken to improve the situation in collaboration with NGOs and private organizations.

18. Mrs. C.A. DE LEON (Philippines) said that, with respect to compliance with article 2, paragraph 2, of the Convention, she could reconfirm that a complaints procedure did operate at the barangay level. Children could also make complaints through their school and the Bantay Bata Hotline.

19. Mrs. GUTIERREZ (Philippines) said that compliance with the Convention was also monitored by the Child Rights Centre of the national Commission on Human Rights. The Centre worked closely with government agencies and NGOs in investigating violations of the human rights of children and in initiating legal action. It also carried out awareness programmes about children's rights. The Centre maintained a complaints desk manned by trained investigators at headquarters and at all its regional offices. The desks formed part of a two-way referral and monitoring network of government agencies and NGOs. The Centre also operated three mobile teams for speedy investigation of reports of human rights violations and had a research and public information unit. It worked in close collaboration with the Department of Justice, which had assigned prosecutors to work with the Centre's investigators.

20. Mrs. C.A. DE LEON (Philippines) said that the questions of the murder of children and neglect of the complaints procedure were contentious, for such matters were not openly reported. One measure taken by the Government to improve the situation was the "children in armed conflict" programme, and the

situation had in fact improved as a result of the peace process initiated by the President. Arrangements had also been made to monitor future progress. The NGOs were helpful in keeping watch on the situation of children and in reporting violations. With regard to the question of disparities, mentioned by Mrs. Santos Pais, the thrust of government action was to ensure growth with social equity. For example, the Presidential Commission on Poverty Alleviation had made detailed assessments of the situation of families in poverty-stricken areas, and marginalized communities in 19 provinces had been targeted for the supply of basic services. In addition, the rights to privacy and to the exercise of religion were upheld in the Philippines. In the schools, for example, children were able to choose the religious education they wished to receive.

21. Mrs. BALANON (Philippines) said that in promoting the participation of children in civic affairs the Department of Social Welfare and Development was primarily concerned with out-of-school activities and with particular groups such as street children, young offenders and children in armed conflicts. Activities were undertaken at the local level throughout the country to help children take part in affairs affecting their lives. Since 1992 the Department had devolved its programmes to the local communities. There was a federation of street children's organizations. In 1989 the Philippines had hosted an Asian conference on street children, and 1991 had seen the first national congress of street children, at which the children themselves had identified their priority problems: legal protection, health, nutrition and education. The conference had submitted a position paper to Congress that had led to the adoption of the Special Protection Act in 1992. Young offenders could express their views only through the relevant correctional institutions, but they had had an influence on such measures as work and good-behaviour incentives.

22. Mrs. PEFIANCO (Philippines) said that the formation of student councils was encouraged in both elementary and secondary schools. Furthermore, some State schools allowed student representatives to participate in meetings of their boards of trustees, and thereby contribute to policy development. The State Assistance Council, established by law, provided government assistance to students and teachers in private schools and offered a forum for complaints if tuition fees were raised. The curricula included civics and one programme enabled boys and girls in elementary and secondary schools to play "mayors for a week". The scout movement was very active. Actually the Philippines boasted the greatest number of scouts in the world. The quality of scouting, however, needed to be improved. Student complaints could also be voiced in the context of parent-teacher associations, a strong force throughout the country.

23. The high federal budget for education helped to alleviate the disparity between the rich and the poor. Local authorities were authorized to use 1 per cent of their real-estate tax receipts for school improvement, a provision which, unfortunately, tended to aid only the rich communities. All official development assistance (ODA) educational loans and grants were, however, channelled to the 19 priority provinces, to supplement local assistance to schools.

24. Mrs. C.A. DE LEON (Philippines) said that, in her view, attitudes about illegitimacy evolved culturally and could not be dictated by national legislation. Furthermore, babies born out of wedlock were no longer ostracized; many single mothers took care of their children.

25. Mrs. LUCIANO (Philippines) said the law stipulated that any child under the age of seven must remain with the mother. If there was any compelling reason to the contrary, the court would base its decision on the findings of a social worker; the child would be consulted, but his choice could be ruled inappropriate. The law also maintained that support must be provided for a child. If the child was abandoned by both parents, the State would intervene to place him with a relative who would act as his guardian and be responsible for protecting his interests, including matters of property. Again, if the child was abandoned by the whole of the extended family, the social worker would find a suitable guardian for the child or place him in a foster home. A father could, if he so wished, sign the reverse side of the birth certificate of an illegitimate child, thereby acknowledging paternity.

26. Mr. CONFERIDO (Philippines) said that articles 139 and 114 of the Labour Code, which prohibited, respectively, the employment of children and child discrimination indicated that even when they were illegally employed, children were entitled to the same rights as adults, including payment of the legal minimum wage, proper working conditions, participation in trade unions, and so on. When the Department of Labour rescued illegally employed children, it required the employers to pay them the difference between the legal minimum wage and the wage that had in fact been paid. Furthermore, all Philippine trade unions had youth sectors and promoted the principle that there was a link between preparing young persons for leadership and recognizing the right to freedom of association. In 1993, the Secretary of Labour had issued a memorandum instructing all its labour and management agencies to incorporate into their programmes information about the child labour provisions of the Convention.

27. Mr. KOLOSOV said that the system of student government described by the Philippine delegation was impressive, but was it in fact operating throughout the country or only in a few large cities? If the student councils did indeed make use of the Convention, rapid strides would certainly be made in regard to the rights of the child in the years ahead.

28. Mrs. SANTOS PAIS said that different attitudes to legitimate and illegitimate children were unwarranted. Why should a child be treated differently if his parents were unmarried? She strongly disagreed that legislation could not alter attitudes: it was often the first step toward social change.

29. Mgr. BAMBAREN GASTELUMENDI said that he had asked what measures, if any, existed to protect the rights of children unregistered at the time of birth. The answer was unsatisfactory; a law enacted in 1994 had been invoked but not described. In view of the high rate of non-registration in the Philippines, what legal recourse was open to the children in question?

30. Mrs. C.A. DE LEON (Philippines) said that education about the Convention had been incorporated in school curricula throughout the country. Since the system had been launched only in 1994, it was still too early to assess its success.

31. Mrs. LUCIANO (Philippines) said that, for the past 10 years, illegitimacy had been the subject of great debate in the Philippines: two bills currently before Congress sought to remove the distinction drawn in law between legitimacy and illegitimacy. Tradition was still an obstacle. The barrier between legitimacy and illegitimacy had been erected to discourage illicit relationships and the relevant legislation remained in force at the expense of children.

32. Basic data about each child, including the parents' religion, was entered on the birth certificate for the purposes of the national census and the inclusion of such information entailed no discrimination whatsoever against children. Furthermore, in the Philippines it often proved essential to know what a child's religious background was; for example, in a medical emergency a child's religion might not permit blood transfusions. Only urban schools had student councils at the present time, but one system was becoming more widespread.

33. The CHAIRPERSON, speaking as a member of the Committee, said that the enactment of legislation was a crucial first step towards altering societal attitudes to illegitimacy. New laws could prove of great help to Filipino children. Two questions arose: could the father of a child born out of wedlock bring a custody suit against the mother? Again, what measures were in force to require parental support for such children?

34. Mrs. LUCIANO (Philippines) said that a father who had legally acknowledged paternity could apply for custody or visiting rights and the court would normally agree to the request if no conflict of interest arose. Furthermore, a child could file a petition for paternal support; if he could demonstrate the paternity and if both need and the ability to pay were established, the father would be required to provide his support.

35. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Family environment and alternative care", which read:

"Family environment and alternative care

(Arts. 5, 18, paras. 1 and 2, 9, 10, 27, para. 4, 20, 21, 11, 1, 39 and 25 of the Convention)

17. Please provide information on the number, if any, of reported cases of statutory rape of children under 12 years of age and of sexual abuses committed against children over the age of 12. In the light of article 39 of the Convention, please provide details of the progress achieved in the implementation of measures and priorities for the recovery and rehabilitation of children who have suffered from such violations. (Para. 245 of the report.)

18. Table 6 on page 26 of the report shows the number of families served by different kinds of programmes. What percentage do these figures represent of the total number of families in need of such programmes?

19. What percentage do the number of children served by the type of intervention shown in table 7 represent in terms of the total need for such services?

20. Please provide further information on the ways and means by which the priorities, set out in paragraph 101 of the report, as regards parental guidance and responsibilities are to be implemented.

21. Have programmes been adopted to prevent and reduce the abandonment of children and, if so, are such programmes adequate?

22. Is research undertaken into the problem of ill-treatment and sexual abuse of children, including into any social factors which may influence such violations?

23. Please provide more details of the Bantay-Bata (Child Watch) Hotline project, referred to in paragraph 122 of the report.

24. In view of the information contained in paragraphs 123 and 124 of the report concerning implementation priorities to address the problem of child abuse and neglect, please indicate any progress made in this area and whether there is a need for technical assistance or international cooperation in this regard."

36. Mrs. C.A. DE LEON, (Philippines), referring to issue No. 17, said that, while there were no statistics specifically on statutory rape, available data revealed 149 cases of sexual abuse of children up to the age of 12 in 1993. The Department of Social Welfare and Development had institutions which engaged in the rehabilitation of children according to their needs.

37. As to issue No. 18, recent data on the number of families served by the programmes in question indicated that the Family Life Enrichment Service served 461,797 people from a target group of 659,428, i.e. 70 per cent; the Responsible Parenthood Service served 1,477,926 people from a target group of 1,568,411, i.e. 94 per cent; the Rehabilitative Parenting Service served 88,282 people from a target group of 163,102, i.e. 54 per cent; and the Solo Parents Service served 63,924 people from a target group of 147,450, i.e. 43 per cent. With reference to issue No. 19, no figures were available on the total number of such children and no percentage could therefore be established.

38. As for issue No. 20, priorities for the coming five years were as follows: expansion of the existing programmes of implementing agencies, with an NGO interlink/technical assistance component for parenting programmes; advocacy, training and technical assistance for local government units; training assistance to field implementors; the development of links between community organizations and local government units, and the training of community volunteers in parental guidance and responsibility. Efforts would

be undertaken to develop effective parenting programmes, which would include holding parent-education congresses at the community, municipal, provincial, regional and national levels, organizing parent-effectiveness associations and advocating the use of radio as a family outreach method. Family life training programmes would be designed to cater to such target groups as families with disabled children or children in institutional care. The Parenthood Effectiveness Service would develop modular sessions to deal with the special needs of such groups as disabled children and street children.

39. In regard to issue No. 21, programmes were under way to provide parents with family counselling as well as career and skills training so as to help them meet their children's needs and prevent the break-up of the family. In cases where children were institutionalized or receiving foster care, continuing contact with the parents, by letters and visits, was encouraged, and family counselling and other related services were supplied to prepare both the child and his family for his return home. Unfortunately, owing to inadequate resources, current programmes to prevent and reduce cases of child abandonment remained inadequate.

40. A number of NGOs had conducted small-scale studies on sexual abuse of children, as well as on children with psychological or social problems. The Department of Social Welfare and Development was also trying to build up a data profile on child victims of sexual abuse and ill-treatment. The Department's research agenda for 1994-1995 included an in-depth study on incest to be carried out in two phases. The first phase entailed research, including demographic profiling, a review of relevant documentation and research into factors that prompted incestuous acts. The second phase consisted of research into the impact of incest on its victims.

41. The Bantay-Bata (Child Watch) Hotline Project had been devised by the Department of Social Welfare and Development in 1990, with three general objectives: to create public awareness about the plight of child victims as well as measures taken to cope with the problem; to enable the public to promote and protect the rights of children; and to encourage greater public involvement in activities designed to prevent child abuse and exploitation. Under the Project, links had been established with a private television station and UNICEF. In 1992, over 2,000 cases had been reported through the Hotline and followed up. Problems encountered included dissemination of information on the Project in remote areas and the submission of reports from the regions.

42. In January 1994 the Department of Justice had created a task force for the protection of abused children which was responsible for evaluating complaints and then deciding whether the evidence submitted in support was sufficient to warrant prosecution. The task force was also responsible for prosecution, but cases were evaluated and handled by two different officials. Notwithstanding its limited resources, the Department of Social Welfare and Development had held training workshops for police officers and social workers on how to handle cases of child abuse, including aspects such as rehabilitation and understanding the victims. International cooperation was necessary along the lines of that currently being negotiated with the Swedish Save the Children for training programmes on the rehabilitation of all concerned in cases of sexual abuse.

43. Mr. KOLOSOV said that in many cultures children were regarded by their elders as "family property"; they were duty-bound to obey all orders. What efforts were being made in the Philippines to ensure proper family dialogue, in line with the principles set out in article 5 of the Convention?

44. Mrs. BELEMBAOGO said that, despite the ample information provided by the Philippine delegation on steps taken to protect children against ill-treatment and sexual abuse, the Committee remained concerned about the prevalence of the phenomenon in the Philippines. She would welcome further information on the studies being done on child abuse within the family. Once the real causes of the problem were identified, effective action could be planned to prevent the phenomenon from spreading. It might also be useful to launch an information campaign on the rights of the child in schools and workplaces at which children were employed, so as to change attitudes vis-à-vis children in the next generation.

45. Furthermore, did Philippine criminal law stipulate any penalties for parents who were the perpetrators of such violations? Admittedly it was difficult for children to bring legal action against their parents in such cases; however, perhaps an NGO member or social worker who learned that a child was abused in the family could take legal action on his or her behalf?

46. Mrs. SANTOS PAIS, referring to the problem of child abuse and neglect, said it was none the less encouraging to hear the family referred to as the "nucleus of Philippine society" and the child as a most important element in it. Equally welcome was the official acknowledgement of the scourge of violence against children in the home, as borne out by statistics available on the subject.

47. It was important to draw a distinction between ill-treatment during detention and physical abuse in the family environment. With regard to the latter, she drew particular attention to article 19 of the Convention and inquired whether, apart from new legislation envisaged, other measures along the lines suggested in paragraph 2 were being taken to ensure protection for children and to prevent further incidents. Moreover, it was surprising that the delegation had made little mention of the comprehensive report on the subject compiled in 1992 by the Commission on Human Rights, a report which had focused on possible causes of the phenomenon. Undoubtedly, closer cooperation with the Commission as well as non-governmental organizations would prove useful.

48. Lastly, what efforts were being made to ensure that the rights of children of mixed race were upheld with regard to, for instance, maintenance payments and parental recognition? It was important for the development of a child's personality for him to be aware of his biological origins. Were any new agreements envisaged and was the Philippines a signatory of the relevant existing Convention?

49. Mgr. BAMBAREN GASTELUMENDI said that he was particularly concerned about the growing wave of migration from the country to urban areas and the problems stemming from poor living conditions for families and especially children. Had programmes to provide more housing in urban areas brought any improvements? The situation of families living in the countryside was of

lesser concern, for despite their poverty they were more able to retain traditional values and a normal lifestyle, although cases of violence and abuse were not unknown.

50. He had also been struck by the appalling poverty throughout the country and the poor health of children due to lack of food, clean water and hygiene. What was the minimum legal wage in the Philippines and would it cover the cost of a basic food basket? At a recent session of the Commission on Human Rights it had been observed that approximately 70 per cent of the Philippine population lived below the poverty line, a figure that seemed far too high and might well explain the widespread exploitation of children and the school drop-out rate. It was alleged that there had been a 133 per cent increase in the cost of living, while wages had risen by only 3.9 per cent.

51. The CHAIRPERSON, speaking as a member of the Committee, asked for further details on government policy regarding alternative care for children who were victims of exploitation, violence or sexual abuse. Were they automatically removed from their families? Furthermore, although women working abroad could provide greater economic security for their children, she was concerned about the detrimental effects of breaking up the family unit. Had the phenomenon of absentee mothers contributed to the increase in sexual violence and abuse within the family?

52. Mrs. C.A. DE LEON (Philippines) said she agreed that the wave of migration towards the cities created social problems: the acute shortage of housing in Manila had spawned squatter colonies and slum quarters. Undoubtedly, in such unhealthy living conditions children were more vulnerable to violence and sexual abuse, not least because of lack of space. Furthermore, many victims were the children of women working abroad. A housing summit was scheduled for 27 January with a view to improving housing conditions, particularly for communities where vital infrastructures were sorely lacking. At the summit the need for relocation would also be discussed.

53. Mrs. BALANON (Philippines) said there was no policy in the Philippines of automatically removing children subjected to abuse by their families. Before any decision could be taken, the strengths and weaknesses of the family were carefully evaluated by social or community workers. However, court orders were sometimes issued for the protective custody of children. In general, there was a two-pronged approach to such cases. On the one hand, there were community-based programmes for the protection of children which involved various therapeutic activities for rehabilitation purposes, as well as individual counselling. On the other hand, efforts were made to establish dialogue with the parents, even when they perpetrated the abuse, since the ultimate aim was to return children to their families, wherever possible. A pilot scheme had been set up in Manila under which a team of psychologists and social workers were cooperating with the psychiatric department of the Philippine General Hospital on a programme for the rehabilitation of child victims. Admittedly, prevention was better than treatment, but many parents in the Philippines still seemed unfit to look after the children and the State had therefore to intervene.

54. One aspect that must be looked into was the development of an appropriate foster care programme for abused children. The Government was seeking international cooperation to improve the skills of its social workers in such matters. A further lacuna was how to deal with perpetrators of violence and abuse who were not family members.

55. Apart from a study by the Philippine Centre for Mental Health on sexual abuse of children in institutions and a national project for street children there was little documentation available. It was hoped that the study on incest mentioned in the written replies would finally get under way in 1995 and that the results of a study on rapists would be available by the end of the year so that programmes to combat the problem could be launched without further delay.

56. With regard to the situation of children of mixed race, a bill was currently before the United States Senate to amend the relevant citizenship laws so that Filipino-American children would be granted the same rights as the children of American servicemen born in Viet Nam and Thailand. The main problem, however, was establishing the identity of such children under existing civil registration procedures. Generally, the American and Japanese fathers failed to recognize their Filipino children and so no father's name was entered on the birth certificate. Psychological factors also had to be taken into account: children who were obviously of mixed parentage often suffered an identity crisis yet ultimately feared rejection by their fathers.

57. Since the United States Government had consistently failed to provide any financial support for Filipino-American children, a special programme had been launched in 1994 to assist them. The Japanese Government was somewhat more sympathetic towards the issue. None the less, the Department of Social Welfare had allocated substantial funds for the education and welfare of such children. A further difficulty was that children of mixed origin were often cared for by relatives or friends of the Filipino mother. It was important to avoid any possibility of exploitation by encouraging guardians to become legal foster parents.

58. As to sexual abuse and exploitation of children, NGOs played an important role in bringing violations to the attention of social services, thereby enabling them to take the necessary action. Also, the Philippine Action for Youth Offenders made regular visits to jails and kept social services informed about young offenders being held in detention. Social workers would then visit the persons concerned and make arrangements for their release on parole, where possible, or ensure they were protected by prison staff. Regrettably, young offenders were not guaranteed separate quarters in Philippine penal institutions despite the provisions of the Child and Youth Welfare Code. It was important to draw a clear distinction between the discipline and physical abuse of children. In the Philippines, strict parental discipline was acceptable. Consequently, in cases of alleged violations, it had to be legally proven that parents had "exceeded the maximum use of disciplinary powers" if the State was to intervene. It was hoped that education programmes under way on parental responsibility and children's rights would help to improve the situation.

59. Mrs. PEFIANCO (Philippines) said that learning modules on the rights of the child had been incorporated in the social studies curriculum in national primary and secondary schools in 1994. Around 100 teaching manuals had also been prepared, using NGO funds, and appropriate teacher training programmes had recently been launched. The programmes would be expanded in the near future.

60. Mrs. LUCIANO (Philippines) said that both civil and criminal sanctions existed for parents who failed to take good care of their children. At the civil level, the Child and Youth Welfare Code provided that the Department of Social Welfare could admonish parents who failed to comply with their parental obligations. If admonition was not enough, parents could be temporarily deprived of custody of the children; in such cases, the Department assumed protective custody of the children, and the parents received counselling. Parents could also be permanently deprived of custody, a measure known as "termination of parental authority". In such instances the child must first be declared by a court to have the status of an abandoned child. Placement would then be arranged by the Department.

61. The Child and Youth Welfare Code also established criminal liability for parents who abandoned their children, deprived them of love, care and protection, or inflicted cruel or unusual punishment or humiliation upon them. Article 59 of the Code had been amended with the passage of the Child Abuse Act, which stipulated two to six years' imprisonment for any person abandoning his or her child.

62. Mrs. C.A. DE LEON (Philippines), responding to Mr. Kolosov's question regarding parental guidance and responsibilities, said that it was crucial to secure the intervention of the non-governmental organizations. One example was an independent mother-and-child literacy programme backed up by the national UNESCO Commission, which had proved an effective mechanism at regional level. Great emphasis was also placed by the mass media on the role of the family in a healthy society. Fruitful dialogue took place between parents and teachers, and between parents and children.

63. Mrs. BELEMBAOGO asked whether sexual abuses were simply isolated occurrences resulting from abuse of parental authority, or whether such practices were customary and had their origins in traditional society.

64. Mrs. C.A. DE LEON (Philippines) said that sexual abuse in a family situation was an aberration brought about by psycho-social conditions.

65. Mrs. SANTOS PAIS said that prevention was obviously a more effective means of protecting the best interests of the child than was the application of penalties. Perhaps it would be preferable to define the content of parental responsibilities in preventive terms, rather than in terms of punishment; for example, the concept of discipline could be more clearly defined. An approach adopted in some countries was formally to prohibit the abuse or neglect of children by their parents, in the same way as such treatment was formally prohibited in schools. As things stood, it was difficult to determine whether the chastisement inflicted upon the child had been excessive.

66. Mrs. C.A. DE LEON (Philippines) said that the educational component was clearly very important in defining the criteria for distinguishing between the legitimate exercise of parental responsibility and child abuse.

67. The number of families living below the poverty line was currently 39 per cent, not 70 per cent. In 1991 the poverty threshold had been P3,679, with 4.8 million families living below the threshold. The food threshold had been P2,432, with 2.4 million families subsisting below that level. From a base of P2,960 in 1988, the figure had now risen to P3,675, with the number of families living below the poverty line falling to around 40 per cent. The target of the social reform agenda was to raise per capita income to US$ 1,000, a target the Government expected to reach by 1998. Currently, per capita income stood at US$ 850.

68. Mr. CONFERIDO (Philippines) said that different minimum wages existed for the various regions and industries. The highest, in the capital, was currently P145 per eight-hour day. Over the past three years there had been a real increase in the value of wages. The Law of Minimum Wages (Republic Act 67/27), required account to be taken of the cost of living. However, not only the rights of the child but also economic considerations had to be borne in mind. In the Philippines, the minimum wage had always been regarded as a safety net. The general policy was that wage increases should be based as much as possible on collective bargaining, with account taken of the condition of the firm as well as of the needs of the workers. Minimum wages were set by tripartite bodies composed of representatives of employers, Government and workers.

69. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Basic health and welfare", which read:

"Basic health and welfare

(Arts. 6, para. 2, 23, 24, 26, and 18, para. 3, 27, paras. 1-3 of the Convention)

25. Please provide information on the family-planning measures taken and the beneficiaries of such measures and the occurrence and treatment of HIV infection among children and parents as well as measures to prevent AIDS.

26. Please provide further details of the steps being taken to expand the reach of existing health programmes to the most disadvantaged groups and to develop mechanisms for the regular monitoring of the health and nutrition status of children in the country. (See para. 144 of the report.)

27. With reference to information contained in paragraph 149 of the report, please indicate the measures being taken to establish day-care centres in a further 23,752 barangays.

28. How is the Government planning to overcome the problems of a lack of data on the disabled (para. 160 of the report)? What measures are being taken to develop programmes at the community level for the prevention of disabilities?"

70. Mrs. C.A. DE LEON (Philippines) said that, as stated in her Government's written reply to issue No. 25, the family-planning programme in the Philippines had been revitalized as a health intervention programme designed to improve the welfare of families, particularly mothers and children. It focused on providing family-planning information and services necessary for clients of reproductive age to plan their families according to their own beliefs and circumstances and with reference to their health needs and aspirations. It was viewed in the context of women's health, safe motherhood and child survival, and was founded on informed free choice.

71. The goal of the programme was universal access to family-planning information and services. While the majority of the population was aware of family planning, many did not have access to quality family-planning services. The measures being undertaken included, in the area of institutional development and service delivery: making service outlets reliable providers of quality family-planning services, offering a wider range of medically safe and legally acceptable family-planning methods; and, in regard to information, education and communication; providing households with information on access to family-planning services, on free choice, and on the role of men in responsible parenthood. Messages for adolescents concerning responsible sexuality were also made available. All women of reproductive age (24 per cent of the total population) were beneficiaries of family-planning information.

72. The latest report of the Department of Health HIV/AIDS Registry showed that the cumulative totals from 1984 to June 1994 were 531 HIV-positive cases and 150 AIDS cases, 86 of whom had already died. Of the 531 HIV-positives, 11 belonged to the age group 30 to 44, 39 to the age group 45 and above, and 67 were of unknown age. Of the HIV-positive cases, 252 were females and 272 were males. The San Lázaro Hospital and the Research Institute for Tropical Medicine had been designated as clinical centres, providing an array of services for diagnosis and treatment of the opportunistic infections affecting AIDS cases, including counselling of the sufferers and of their families and friends, spiritual guidance and alternative livelihood. Children born of HIV-infected mothers were monitored to determine the possibility of perinatal transmission. Confirmed AIDS cases were also admitted for treatment. Since the number of AIDS cases was expected to increase in the next few years, thus overloading those two centres, measures were being taken to improve the capabilities of all regional centres in providing services to HIV-positive and AIDS cases.

73. The Department of Health realized that education remained the only strategy to slow the current HIV/AIDS epidemic. Thus, prevention and control remained the top priority of the national programme. The four main strategies used to address the epidemic were prevention of sexual transmission; prevention of transmission through blood, blood products and donated organ

tissues; prevention of vertical transmission of HIV and other sexually transmitted disease infections; and reduction of the personal and social impact of AIDs-related status.

74. As to issue No. 26, measures were being implemented to expand the reach of existing health programmes to the most disadvantaged groups, included collaboration with non-governmental and other private-sector organizations (for example, the Department of Health provided free vaccines, oral rehydration in solution, and contraceptives to non-governmental organizations and private clinics); the use of community-based workers in the provision of services; and outreach, with midwives based in rural health centres visiting remote communities to provide services. Information, education and communication were used to generate demand for services and to disseminate knowledge of the means of preventing disease and promoting health. The health and nutrition status of infants aged up to 12 months were monitored monthly at the health centre. Children aged one to five were monitored quarterly within the community. Immediate intervention was provided when screening showed health or nutrition problems. Health education was used to emphasize the importance of growth monitoring and early intervention and mothers were taught to monitor growth and screen their children's health. Midwives or volunteers visited children whose mothers were unable to bring their children to the health centres.

75. In regard to issue No. 27, the Department of Social Welfare and Development had advocated that local government units should allocate funds for the creation of day-care centres; that Congresspersons and Senators should allocate funds for that purpose from the Countryside Development Fund; and that day-care centres should be established in government offices, private industrial organizations and church and social action centres. The Department had also mobilized non-governmental organizations, parents and other concerned individuals in that regard.

76. Concerned departments and other agencies were being encouraged to develop data-gathering projects on the disabled and the output would be included in their monitoring systems. Once finalized, the Philippine Agenda for Action on the Asian and Pacific Decade of Disabled Persons would be disseminated nationwide to serve as a guide and provide directions for all organizations and agencies dealing with persons with disabilities. Measures would include actions at community level. Education and information campaigns were being undertaken by the National Council for the Welfare of Disabled Persons, in collaboration with media agencies and offices nationwide.

77. Mgr. BAMBAREN GASTELUMENDI asked for more information about the situation of disabled children. In the course of a visit to a centre in Manila he had noted a shortage of specialized teachers and staff to cater for the needs of such children.

78. Mrs. SANTOS PAIS asked what positive measures the Government was taking to reach out to street children who would not of their own volition approach health centres or NGOs for support. In view of that gap in communication, how effectively could the Government monitor the success of measures such as vaccination programmes?

79. Mrs. BELEMBAOGO, taking up the question asked by Mgr. Bambaren Gastelumendi, noted that, according to some reports, as many as 20 per cent of Philippine children suffered some disability. What explanation would the Philippine delegation offer for such a strikingly high figure? Was it attributable to inadequate coverage by vaccination programmes, or was there also a more general problem of access by the population to health-care services?

80. The CHAIRPERSON, speaking as a member of the Committee, drew attention to an apparent discrepancy in the written reply regarding issue No. 25. According to subparagraph (c) of the reply, beneficiaries of the family-planning programme were married women of reproductive age (15 to 49 years old); yet the legal age for marriage was 18. The replies also provided no information on the incidence of teenage pregnancy. Was it a common or a worrying phenomenon? Were there programmes, other than those in schools, to target girls aged 12 to 16 who did not attend school?

81. Information would also be useful on the main causes of child mortality and on the system of primary health care, particularly in rural areas. Lastly, no details were provided of the incidence of AIDS in the child population. What was the general attitude in Philippine society to children with AIDS? Did they suffer discrimination with regard to access to health-care services and medical treatment? Were they automatically institutionalized, or was there provision for them to be placed in foster care or treated within the family?

82. Mrs. REODICA (Philippines) said that the Department of Health's outreach programme for marginalized children was continually being strengthened. The Department was aware that it was mainly persons living within a 3-kilometre radius of health services that used them, and that other people were underserved or unserved. A study conducted as far back as 1974 had shown that only 33 per cent of the population made use of health-care services. Consequently, the Government had implemented the Restructured Health Care Delivery System, deploying 1 midwife per 5,000 population. An evaluation of the system after five years had revealed that health-care services now reached 77 per cent of the population. The Government had then implemented the Primary Health Care Approach, building up the capability of the community and the population themselves to become partners in the Health Care Delivery System. Volunteers had been recruited and trained at village level, with the result that it had become possible to treat 80 per cent of the common causes of illness within the home. Currently, there were 10,600 midwives, an average ratio of 1 per 5,000 population. In mountainous areas and island provinces, the ratio was 1 per 2,500 population. Midwives exercised many of the minor functions of doctors at village level. More were being recruited, as volunteers in the first instance.

83. As to the family-planning programme, while the main target of the programme was married women (9 million, or 15 per cent of the population), it also encompassed all women of reproductive age (15 million or 24 per cent of the population), as well as adolescents, who were recognized as a high-risk group. Teenage pregnancy was on the increase, and studies carried out to determine its prevalence suggested an incidence of about 15 per cent. While

adolescent sexuality was a controversial issue in the Philippines, culturally sensitive messages were being designed for adolescents, involving greater parental participation.

84. The major causes of child mortality were communicable and endemic diseases. Regarding maternal care, the usual requirement was for three antenatal visits, and for one post-natal visit six weeks after delivery. Attendance at the first antenatal visit stood at 80 per cent, but fell to 40 per cent for the third visit, while the figure for the post-natal visit was 40 to 45 per cent. Consequently, maternal care was now being strengthened. There was no mandatory testing for AIDS, and reporting was voluntary. However, the National AIDS Registry had recorded 18 HIV-positive cases below the age of 17, including 8 HIV-positive children. Only three of those children had developed AIDS and two of them had died. Infected children were not institutionalized, and those suffering from opportunistic infections were not isolated. AIDS was still very highly stigmatized, but efforts were being made to remove the stigma.

85. Mrs. PEFIANCO (Philippines) said that the education of disabled children was still a weak area. Special education classes existed, but were found in urban centres. Efforts were being made to locate disabled children, to identify their needs and to find ways of mainstreaming them. Teachers were being educated to recognize "invisible" disabilities. Thus, a study undertaken at a school in Batangas had revealed that 30 per cent of the children were hard of hearing - a figure that might account for the high drop-out rate. Again, 30 per cent of disabled children had become disabled as a result of polio. In the light of that figure, the Department of Health had organized a rehabilitation programme for disabled children.

The meeting rose at 6.05 p.m.